



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

#34/Reply
Brief
2-502
lf

Re Patent Application of Hall et al.
Application Serial No. 09/172,577
Application Filing Date 10/13/98
For INERT GAS BLANKET FOR PROTECTION FROM OXIDATION

CFM
12-27-01

REPLY BRIEF

On Appeal from Group Art Unit 3682
Examiner Chong H. Kim
Supervisory Patent Examiner David A. Burch

RECEIVED

Commissioner for Patents
Washington, D.C. 20231

FEB 04 2002

GROUP 3600

Sir:

In reply to the 10/30/01 Examiner's Answer (Paper No. 32) please consider the instant reply brief, which is submitted in triplicate. No additional fee is currently due.

The grouping of claims 50, 61 and 68 as set forth in Paper No. 32 is traversed. The BRIEF FOR APPELLANT filed on Sep. 27, 2001 did include a statement about claims 50 and 61 not standing nor falling together, on page 3, last paragraph, after setting forth claim groupings for claims under the 35 USC 112 rejections, to wit: "Otherwise, the claims do not stand nor fall together." Specific reasoning supporting the patentability of claim 50 is found in the brief, in addition to that found on pages 11-12 and 13-17, on page 17, lines 4-5 (internal combustion engine); and of claim 61, in addition to that found on pages 11-12 and 17-18, on page 17, lines 26-28 (internal combustion engine), and page 18, lines 4-6 (dynamic system). Note that claims 50 and 61 do not stand under the same rejection. Finally, it was expressly stated in the BRIEF on its first page, "Claim 68 is not appealed."

As to the Examiner's Response to Argument from Paper No. 32, the same is amply countered in the BRIEF, on pages 4-20, and in the art. Clearly, the Examiner's reasoning is in serious error.


Reversal of the Examiner's rejections remains in order.

Respectfully,

RICHARD H. HALL ET AL.

Dated: December 27, 2001 A.D.

Per


Christopher John Rudy
PTO Registration No. 31,873
209 Huron Avenue, Suite 8
Port Huron, Michigan 48060
Telephone (810) 982-4221